

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL J. GRABEK,
RESPONDENT.

:
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: FINAL DECISION AND ORDER
:
:

0003643

Division of Legal Services and Compliance Case No. 12 RSG 024

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Michael J. Grabek
7726 W. Winston Way
Franklin, WI 53132

Wisconsin Department of Safety and Professional Services
P.O. Box 8368
Madison, WI 53708-8368

Division of Legal Services and Compliance
Wisconsin Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Department of Safety and Professional Services (Department). The Department has reviewed this Stipulation and considers it acceptable.

Accordingly, the Department adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Michael J. Grabek (dob February 6, 1977) is permitted in the State of Wisconsin as a private security person, having permit number 36839-108, first issued on September 5, 2008 and current through August 31, 2016. Michael J. Grabek's most recent address on file with the Department is 7726 W. Winston Way, Franklin, WI 53132.

2. Respondent is the Operations Manager for G4S Secure Solutions (USA), Inc. As the Operations Manager, Respondent approves new hires, oversees the company's scheduling

supervisors and determines when payments are necessary to keep employees' private security person permits current.

3. On August 6, 2012, the Department received an email from an individual inquiring about his private security person permit application status, as he had been working as a private security person for G4S Secure Solutions (USA), Inc. for over two months without holding a permit.

4. The Department subsequently performed an audit of private security person work assignments from May 2012 to January 2013 at six of G4S Secure Solutions (USA), Inc.'s approximately 300 Wisconsin worksites. These six worksites were chosen at random from Respondent's Milwaukee area worksites.

5. The Department's audit revealed between May 2012 and January 2013, Respondent assigned six unpermitted individuals to perform private security personnel duties.

6. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Department of Safety and Professional Services has jurisdiction to act in this matter pursuant to Wis. Stat. § 440.26(6), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Michael J. Grabek engaged in conduct reflecting adversely on professional qualification pursuant to Wis. Admin. Code § SPS 35.01(13) by assigning any person to perform private security personnel duties who has not been issued a license or permit prior to performing the services.

3. As a result of the violations noted in the Conclusions of Law, Respondent Michael J. Grabek is subject to discipline pursuant to Wis. Stat. § 440.26(6)(a)2. and Wis. Admin. Code § SPS 35.01.

ORDER

1. The attached Stipulation is accepted.

2. Respondent Michael J. Grabek is REPRIMANDED.

3. The private security person permit issued to Michael J. Grabek (permit number 36839-108) is LIMITED as follows:

a. Beginning three months from the date of this Order, and every three months thereafter, Respondent shall send to the Department Monitor a list of all of G4S Secure Solutions (USA), Inc.'s Milwaukee area worksites.

b. Upon receipt of each list of worksites, the Department Monitor shall choose at random three of G4S Secure Solutions (USA), Inc.'s Milwaukee area worksites. These shall be the time period and worksites under review for the quarter.

c. Within 10 business days after the Department Monitor informs Respondent of the time period and worksites under review for the quarter, Respondent shall provide the following information:

- i. For each of the three chosen worksites, a complete accounting of all individuals G4S Secure Solutions (USA), Inc. employed or otherwise hired to perform private security personnel duties during the designated two-week reporting period. These individuals shall be listed by worksite location, and Respondent shall include the individuals' full names, private security person permit numbers, and dates of employment.
- ii. A signed statement from Respondent certifying that G4S Secure Solutions (USA), Inc. is in compliance with all licensing requirements and that Respondent is in compliance with all terms and conditions of this Order.

d. Respondent shall be responsible for all costs associated with the quarterly reports, if any.

e. Respondent shall promptly reply to any questions the Department Monitor may have concerning any of Respondent's submissions within 15 days of a request by the Department or its designee.

f. Respondent may petition for removal of this limitation after he has submitted four timely quarterly reports, which show to the Department or its designee's satisfaction that G4S Secure Solutions (USA), Inc. has not assigned unpermitted individuals to perform private security personnel duties at the worksites reviewed. Whether to remove this limitation shall be in the discretion of the Department or its designee.

4. If the Department or its designee finds G4S Secure Solutions (USA), Inc. has assigned any unpermitted individuals to perform private security personnel duties at any of the worksites reviewed, the private security person permit issued to Michael J. Grabek (permit number 36839-108) shall be SUSPENDED for 15 days or until Respondent provides proof satisfactory to the Department or its designee that the unpermitted individual(s) are no longer working for G4S Secure Solutions (USA), Inc. without holding a private security person permit, whichever is longer.

5. Within 90 days from the date of this Order, Michael J. Grabek shall pay COSTS of this matter in the amount of \$225.

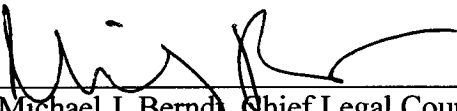
6. Quarterly reports and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent by Respondent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

7. Violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Department in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit accurate quarterly reports or timely submit payment of the costs as ordered and as set forth above, Respondent's permit (no. 36839-108) may, in the discretion of the Department, be SUSPENDED, without further notice or hearing, until Respondent has complied with submission of accurate quarterly reports or payment of the costs.

8. This Order is effective on the date of its signing.

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

By: 
Michael J. Berndt, Chief Legal Counsel
On Behalf of the Department

Date 1/23/15

STATE OF WISCONSIN
BEFORE THE DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

MICHAEL J. GRABEK,
RESPONDENT.

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:

STIPULATION

0003643

Division of Legal Services and Compliance Case No. 12 RSG 024

Respondent Michael J. Grabek and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Department of Safety and Professional Services (Department). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Department's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Department, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the

Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Department, the parties agree not to contend that the Department has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance may appear before the Department, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that the Department may have in connection with deliberations on the Stipulation.

7. Respondent is informed that should the Department adopt this Stipulation, the Department's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending that the Department adopt this Stipulation and issue the attached Final Decision and Order.

Michael Grabek

Michael J. Grabek, Respondent
7726 W. Winston Way
Franklin, WI 53132
Permit no. 36839-108

1/20/15
Date

Andrea Brauer

Andrea E. Brauer, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

1/22/15
Date